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REMARKS

The application was filed on 22 June 2001 with seventeen claims. The Examiner examined the application and on 21 April 2005 issued a first Action rejecting claim 12 under 35 U.S.C. §112, second paragraph, and claims 1-17 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2001/0032092 A1 entitled SMALL BUSINESS WEB-BASED PORTAL METHOD AND SYSTEM to Calver (Calver '092). Applicants responded by amending the claims, cancelling claims 3, 5 and 11, 12, and presenting claims 18-30 for examination.

The Examiner then issued a final rejection of claims 1-2, 4, 6-10, 13-30 under 35 U.S.C. §102(e) under Calver '092. Applicants respond by traversing the rejection and by cancelling claims 7 and 8. Claims 1-2, 4, 6, 9-10, 13-30 are pending.

*The Rejection of claims 1, 2, 4, 6, 18-29 under 35 U.S.C. §102(e) by Calver '092*

The Examiner rejected the pending claims 1, 2, 4, 6, 18-29 as being anticipated by Calver '092. Applicants cancel claims 7 and 8.

Calver '092 teaches a method and system in a remote computer network for interactively providing user-tailored financial and business information via a Small Business Web Portal. The Web Portal of Calver '092 allows a user wanting to implement changes or just desiring additional information concerning a myriad of aspects for her/his business to be guided through web-based questionnaires, and then based upon the answers to the questions, directions to web sites having further information about web-enabled products and solutions appear to the user. See Calver '092 from page 12, ¶ [0138] through page 13, ¶ [0141]. In other words, Calver '092 is a web-based directory of services and products available to help a business having particular needs.

After having reviewed the Examiner's final rejection of the dependent claims 2, 4, 6, 18-29, all of which are dependent upon independent claim 1,

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Applicants maintain that Calver '092 does not teach or suggest the claimed business enterprise system. In maintaining the traversal of the rejection, Applicants will again particularly point out that Calver '092 does not have the enterprise system having two architectural portions integrated into a single database: one portion relating to the business operations and objectives of the business integrated into a database with another portion relating to the information technology processing of the business. Dependent claims 2, 4, 6, 18-29 elaborate on features included in the database whereby the impact of changes in one of the two portions can be accessed.

Specifically, with respect to the rejection of independent claim 1, the Examiner states that the claimed first architectural portion of business operations and objectives is the same as element 92 in Figure 4 of Calver '092. Calver '092 describes element 92 as a "client application program 92" at page 4, ¶[0046]; a "[c]lient 92" at page 4, ¶[0049]; and "clients 92" in ¶[0053]. A client is defined as an application that runs on a personal computer or workstation and relies on a server to perform some operations. For example, an e-mail client is an application that enables you to send and receive e-mail. See <http://www.webopedia.com/TERM/C/client.html>. Reading Calver '092 in its entirety teaches that element 92 in Figure 4 is nothing more than a web browser embodied as a computer application program in a client, *see* page 4, ¶[0049]. No where does Calver '092 state that the client 92 is a first architectural portion having business operations and objectives; the client 92 has a browser - that's it! If the Examiner maintains that the client 92 has a first architectural portion comprising business operations and objectives of the business enterprise; moreover, one that is integrated into a database with a second architectural portion, Applicants request the Examiner to particularly point it out. Applicants maintain that Calver '092 teaches and suggests that the client 92 is a browser; and quite simply, a browser is not the claimed and the described first architectural portion. Thus, Calver '092 does not meet the requirement that

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sustains a rejection of claims 1, 2, 4, 6, and 13-29 under 35 U.S.C. §102(e) that Calver '092, i.e., Calver '092 does not identically describe each and every element of the rejected claim; a web browser is not the first architectural portion!

The Examiner then says that the claimed second architectural portion is the server 88. A server is defined as a computer or device on a network that manages network resources. For example, a file server is a computer and storage device dedicated to storing files. Any user on the network can store files on the server. A print server is a computer that manages one or more printers, and a network server is a computer that manages network traffic. A database server is a computer system that processes database queries. *See* <http://www.webopedia.com/TERM/s/server.html>. Calver '092 states that "[e]ach server operates a so-called web site or portal that supports files in the form of documents and web pages." *See* Calver '092 at page 4, ¶[0053]. Upon further reading, the server 88 of Calver '092 is nothing more than a web site having a series of questionnaires that, when answered by the client, present uniform resource locators (URLs) of companies that provide products and services that fit the criteria determined by the answers on the questionnaires. A web site with questionnaires is not the same or even equivalent to a second architectural portion have an information technology processing system that the business uses to conduct its business, as claimed and specified by the Applicants.

The Examiner then states that the claimed integrated database is the control program 51 which may be implemented as a computer program product. Applicants claim an integrated database having a first and a second architectural portion. A database is defined as a collection of information organized in such a way that a computer program can quickly select desired pieces of data. You can think of a database as an electronic filing system. *See* [www.webopedia.com/TERM/d/database.html](http://www.webopedia.com/TERM/d/database.html). According to the Examiner, then, as claimed, Calver '092 teaches a client [first architectural portion] integrated

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with a server [second architectural portion] in a computer program product [integrated database]. How can a web browser on a remote computer be integrated into a server having a number of questionnaires on a computer program product? The overreaching of the Examiner by extending Calver '092 beyond its actual teachings is evident. Claims 1, 2, 4, 6, 13-29 are not anticipated.

So, not only does Calver '092 not teach the first architectural portion of business, not teach the second architectural portion of the information technology of the same business, not teach an integrated database comprising these architectural portions; Calver '092 especially does not teach the claimed element of "whereby changes to one of the architectural portions are assessed for impact on the other of the architectural portions prior to implementation." How does Calver '092 assess or evaluate changes to a server before changes are made to the browser? Or that changes to a web browser are accessed before changes to the server are made? Recall that the client and the server of Calver '092 are not integrated; Calver '092 specifically connects the server to the client over a network provided by an internet access or an online service provider. See Calver '092 at Figure 5. c. Also, because of the independence, rather than integration, between the client and server, the web portal (the server) of Calver '092 may be changed without any changes to the browser (the client). Applicants respectfully request the Examiner to withdraw the rejection of claims 1, 2, 4, 6, 9, 10, 13-30 under 35 U.S.C. §102(e) as being anticipated by Calver '092.

*The Rejection of claims 9 and 10 under 35 U.S.C. §102(e) by Calver '092*

With respect to the rejection of independent claim 9, the Examiner states that the business architecture of business information and processes and the business's capabilities is element 236 of Figure 13. Applicants will again show that Calver '092 does not identically disclose each and every element of the

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claimed invention as required to sustain a rejection of the claims under 35 U.S.C. §102(e). First, element 236 of Figure 13 of Calver '092 is not the same thing as the business architecture of business information and processes as claimed; element 236 is nothing more than documentation regarding best practices in small businesses, vis a vis management best practices. Similarly, the Examiner is asserting that the information technology architecture is the same as element 242 of Figure 14 of Calver '092. Element 242 is a "Product Configurator" that is an application that allows users to select criteria for determining appropriate products for their small business or entrepreneurial needs. See Calver '092 at page 12, ¶[0134]. The Product Configurator is yet another questionnaire to be answered by a user that determines who might be able to provide services and goods to the user based on the answers to these questions. The Product Configurator is not the same thing (as is required by 35 U.S.C. §102(e)), as the information technology architecture as claimed and as supported by the specification. General business questionnaires are not the business and information technology architecture of a business and, in particular, are not the architectures claimed by the Applicants. If, as the Examiner asserts that Calver '092 anticipates the claimed invention, then Applicants' claimed invention is nothing more than having the changes to Best Management Practices affect or flow to changes of the Product Configurator, and vice versa. This is not Applicants' claimed invention of independent claim 19; it is not identical and therefore, the rejection under 35 U.S.C. §102(e) must fall.

*The Rejection of claim 30 under 35 U.S.C. §102(e) by Calver '092*

With respect to the rejection of independent claim 30, the Examiner states that the claimed first business architecture portion integrated in a database comprising business operations and objectives of the business is the same as element 50 of Figure 2 of Calver '092. Element 50 of Figure 2 is the main memory of a remote computer. See Calver '092 at page 3, ¶[0043]. Applicants

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respectfully request the Examiner to point out with particularity how a main memory of a remote computer is exactly the same thing as the claimed first business architecture portion integrated in a database comprising business operations and objectives of the business architecture portion. It is not; no where does Calver '092 teach that a main memory is the business architecture claimed.

The Examiner further states that the claimed second information technology architecture portion is element 51 of Figure 2 of Calver '092. Element 51 of Figure 2 is the control program that resides within main memory 50 and contains instructions to carry out the operations depicted in the logic flow diagrams of Calver '092. Control program 51 may be a computer program product. *See* Calver '092 at page 3, ¶[0043]. The control program 51, i.e., the instructions that carry out the operations depicted in the logic flow diagrams of Calver '092, is not the same thing as the claimed application software to process business information which the business uses to conduct its business. The processes depicted in the logic flow diagrams of Calver '092 are not used to actually conduct the business; they provide questionnaires and URLs of other companies that could provide services and/or products that COULD be used; but whether they are actually being used is not ascertained nor disclosed by Calver '092. Calver '092 does not teach that changes to one of the functional components are evaluated or reflected in any of the other functional components before any changes are made to any other functional component. Calver '092 does not teach that changes are made and does not suggest so. Applicants respectfully traverse the rejection of independent claim 30 under 35 U.S.C. 102 (e) asserting that Calver '092 does not teach each and every identical element of the claim. Applicants further request the Examiner to withdraw the rejection in view of the comments.

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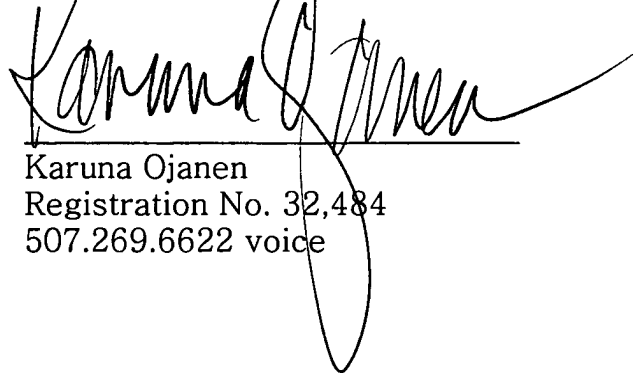
Conclusion

The questionnaires and sales pitches of other businesses to sell products or services to someone answering questions and allow these web-based business to access the user as disclosed in the web portal of Calver '092 is not the same as an integrated database having both the business and the information technology features of a business enterprise as Applicants claim. Calver '092, again, is merely a listing of pertinent questions intended to guide a user through a web-based portal to access companies that may provide pertinent goods and services.

Applicants have thus distinguish the claimed invention from Calver '092. In summary, Calver '092 does not have the information technology processing system of a business in one architectural portion and the business information of a business in another architectural portion, and that these portions are integrated into a single database, and that changes in one architectural portion are evaluated for their impact on the other architectural portion before the changes are implemented.

Attorney for Applicants thank the Examiner for her/his continued examination of the claims. Having thoroughly reviewed the Office Action and the Calver '092 reference submitted by the Examiner, Attorney for Applicants requests the Examiner to allow all claims. The Examiner is further invited to telephone the Attorney listed below if she/he thinks it would expedite the prosecution and the issuance of the patent.

Respectfully submitted,

  
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